
Judiciary Committee

HB 1159

Title: An act relating to limiting liability for persons who work with liquefied petroleum gas.

Brief Description: Limiting liability for persons working with liquefied petroleum gas.

Sponsors: Representatives Kirby and Priest.

Brief Summary of Bill

- Provides that a person is not negligent if the person follows the procedures and standards applicable to propane and gas fuel established by the National Fire Protection Association.
- Grants immunity from civil liability to retailers, suppliers, handlers, and transporters of propane under certain circumstances.

Hearing Date: 2/18/05

Staff: Trudes Tango Hutcherson (786-7384).

Background:

State and local governments have adopted by reference various codes and standards developed by the National Fire Protection Association (NFPA). For instance, the state's building code statute adopts by reference the standards for propane installations developed by the NFPA.

The NFPA is an international nonprofit membership organization that produces standards related to subjects such as fuel gas installations, electrical installations, and fire safety and prevention in buildings. According to the NFPA, its codes and standards are developed "using an open, consensus-based process" by more than 5,000 volunteer committee members with a wide range of professional expertise serving on technical committees.

NFPA 58 (liquefied petroleum gas code) contains standards that apply to the highway transportation of liquified petroleum gas and to the design, construction, installation, and operation of all LPG systems. The most current edition is from 2004, and revisions are expected in 2006, according to the NFPA website.

NFPA 54 (national fuel gas code) contains standards that apply to the installation of fuel gas piping systems, fuel gas utilization equipment, and related accessories. The current edition is from 2002, and revisions are expected in 2005, according to the NFPA website.

Washington courts have considered challenges to legislative grants of authority to private associations or entities. In those cases, Washington courts have considered whether an unlawful delegation of legislative authority has occurred by examining factors such as whether the Legislature has provided standards or guidelines for delegated entities' action and included procedural safeguards to control arbitrary action or abuse of discretion. The courts also consider as a factor whether the delegation of legislative authority to another entity affects economic interests or liberty interests.

Summary of Bill:

A person who follows applicable procedures and standards established by the National Fire Protection Association in NFPA 54 (national fuel gas code) and NFPA 58 (liquefied petroleum gas code) may not be considered negligent.

A person who sells at retail, supplies, handles, or transports propane is not liable for civil damages for injury or loss of property that is:

- (a) caused by the installation, alteration, modification, or repair of propane equipment or appliances if the installation, alteration, modification, or repair was done without the knowledge and consent of the person; or
- (b) caused by the propane equipment or appliance being used in a manner other than for its intended purpose or in a way that could not reasonably have been expected.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.